



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 24, 1994

Mr. Paul Hunn
Walsh, Anderson, Underwood, Schulze
and Aldridge
P.O. Box 2156
Austin, Texas 78768

OR94-665

Dear Mr. Hunn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 28876.

The Goliad Independent School District (the "school district") received a request for information concerning a conference between a student and school district officials. You contend the requested records are excepted from required public disclosure under sections 552.026, 552.102, and 552.114 of the Government Code.

Under section 552.114(a), information is excepted "if it is information in a student record at an educational institution funded wholly or partly by state revenue." Section 552.026 incorporates another source of law, specifically, the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), into the Open Records Act, providing that the act

does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

Gov't Code § 552.026; *see also* Open Records Decision No. 431 (1985). FERPA provides the following:

No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally

identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a) . . .) of students without the written consent of their parents to any individual, agency, or organization.

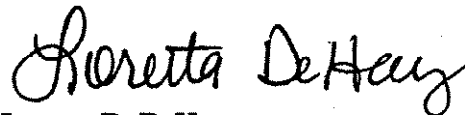
20 U.S.C. § 1232g(b)(1). "Education records" are records which:

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

Id. § 1232g(a)(4)(A). Sections 552.114(a) and 552.026 may not be used to withhold entire documents; the school district must delete information only to the extent "reasonable and necessary to avoid personally identifying a particular student" or "one or both parents of such a student." Open Records Decision No. 332 (1982) at 3. Thus, only information identifying or tending to identify students or their parents must be withheld from required public disclosure.

We have reviewed the document submitted for our consideration. We agree that the document constitutes an education/student record for purposes of sections 552.026 and 552.114(a) of the Government Code. Because the requestor has asked for this document under the student's name, it is not possible to de-identify the requested information. You must, therefore, withhold the document in its entirety. If you have questions about this ruling, please contact this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Ref.: ID# 28876

Enclosures: Submitted documents

cc: Ms. Beth Haynes
Secretary
LULAC
Rt. 2, Box 128
Goliad, Texas 77963
(w/o enclosures)